

Development Management Sub Committee

Wednesday 9 December 2020

**Application for Planning Permission 20/01354/FUL
at Land 31 Metres East Of 4, Falcon Road West, Edinburgh.
Demolition of commercial premises and erection of 5
storey residential development, covered parking and
stores, rear garden, private terraces and externally
mounted renewable technologies (Air Source Heat Pumps
and PV Panels) (as amended)**

Item number

Report number

Wards B10 - Morningside

Summary

The proposal complies with the Local Development Plan and there are no material considerations which should outweigh this conclusion. Redevelopment will not prejudice nearby employment sites and it will contribute to the improvement of the wider area. The proposal is of an appropriate design, scale, form, massing and density and the removal of a building with limited architectural or historic qualities will have a positive effect on the character and appearance of the streetscape. Impact on the environment has been suitably mitigated. Landscaping and level of private garden ground are acceptable.

The proposal will not have an adverse effect on the amenity of neighbouring developments and future occupiers shall benefit from satisfactory levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook. The range of house types and sizes is suitable having regard to the character of the surrounding area and the level and design of car and cycle parking are acceptable.

The proposal safeguards the setting of the listed building and conservation areas and it will not be detrimental to their character, appearance or historic interest.

Links

**Policies and guidance for
this application**

LDPP, LDES01, LDES02, LDES03, LDES04,
LDES05, LDES06, LDES07, LDES08, LEN03,
LEN06, LEN21, LEN22, LEMP09, LHOU01,
LHOU02, LHOU03, LHOU04, LTRA02, LTRA03,
LTRA04, LRS06, NSG, NSGD02, NSLBCA,
CRPMON, CRPGRA,

Report

Application for Planning Permission 20/01354/FUL at Land 31 Metres East Of 4, Falcon Road West, Edinburgh. Demolition of commercial premises and erection of 5 storey residential development, covered parking and stores, rear garden, private terraces and externally mounted renewable technologies (Air Source Heat Pumps and PV Panels) (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site extends to 0.1ha. It is occupied by a single-storey former telephone exchange with corrugated metal frontage and is used for non-food retail purposes. Falcon Road West marks the northern boundary and provides the only access. A stone wall approximately 2m in height separates the application site from a single-storey white rendered Royal Mail Delivery Office to the west. Private greenspace associated with Falcon Court sits to the east and south and is segregated by Leylandii hedging.

A single-storey brick Kwik-fit building is to the north and marks the easternmost extent of the Morningside / Bruntsfield Town Centre. The application site in conjunction with Kwik-fit effectively acts to separate the Town Centre to the west from predominantly residential areas to the east. Scale of development and materials evident vary, and includes the neighbouring single-storey premises, rendered and concrete three and four-storey tenements to Falcon Road West and the five and six-storey blocks within Falcon Court.

The eastern and southern boundaries of Falcon Court mark the extent of the Grange and Morningside Conservation Areas respectively. Falcon Road West is a two lane 20mph public road with parking restricted to residents or pay and display on-street parking on either side. Falcon Gardens, Avenue and Road to the east are subject to the School Streets initiative whereby vehicular access is restricted during peak hours. Pavement widths range from 1.9m to 4.8m.

2.2 Site History

9 August 2000 - Change of use from storage and hiring of tools to non-food retail at 6 Falcon Road West (application reference: 00/01765/FUL)

7 April 2020 - Permitted development confirmed in relation prior notification for demolition of existing single-storey retail unit (application reference: 20/01355/PND)

Main report

3.1 Description of the Proposal

The application proposes the erection of a five-storey residential flat development of 11 units. The single block proposal has a built footprint of 538sqm and will measure 16.7m in height to a flat roof with a 50-panel solar PV array. The ground and first floors have two 3-bed units, one split level, and one 2-bed. Two 3-bed flats and one 2-bed will occupy each of the second and third levels and two 3-bed units are proposed on the fourth floor. South facing terraces with air source heat pumps will be provided and the fourth floor shall also have balconies to the north. All are dual aspect except for the 2-bed units and a stair and lift provides full access to each apart from the split level unit.

The ground floor comprises 11 car parking spaces, 33 cycle parking spaces, plant rooms and a communal refuse and recycling point. Two of the car parking spaces will have electric vehicle charging points and another is accessible. The existing access to the northeast corner of the application site will be replaced by an entrance to the northwest.

Grassed private garden ground and areas of landscaping shall be provided to the south and north respectively. The principal and forwardmost sections of the side elevations will be natural sandstone and crest elain brick is proposed to the rear and remaining parts of the east and west elevations. The fourth floor is clad in zinc and grey timber or aluminium is to finish the windows, doors and associated detailing.

Previous Schemes

The application was amended prior to this recommendation. Scheme 2 comprised the repositioning of the vehicular access from the northeast corner to the northwest. Scheme 3 comprised the substitution of the principal elevation material from brick to natural sandstone, the redesign of the fourth floor, the inclusion of windows to the east elevation, the 'stepping in' of the east elevation to match the west and a reduction in ground floor depth (principal elevation to rear). Scheme 4 comprised the further reduction in ground floor depth, in the projection of terraces to the rear and the inclusion of a split level flat.

The following documentation were submitted in support of the application:

- Daylight and Sunlight Assessment;
- Drainage Strategy Report, accompanied by self-certification and checklist;
- Flood Risk Assessment, accompanied by self-certification;
- Materials Schedule;
- Noise Impact Assessment;
- Pre-development Overland Flow Routes, to correct a discrepancy in the Flood Risk Assessment;
- Sustainability Statement Form S1 and
- Transport Statement, including a subsequent revision.

These are available to view on the City of Edinburgh Council Planning and Building Standards Online Portal.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) the design, scale, density, materials, layout, landscaping and relationship to the character and appearance of the streetscape is acceptable;
- c) it will adversely affect the amenity of neighbouring developments and provide future occupiers with acceptable levels of amenity;
- d) it raises any issues with respect to transport and road and pedestrian safety;
- e) it would have a detrimental impact on the setting of listed buildings or conservation areas;
- f) it protects or enhances the city's natural environment and resources;
- g) it raises any issues in respect of equalities and human rights;
- h) there are any other material planning considerations and
- i) the report has addressed all material considerations raised by Community Councils and letters of representation.

a) Principle of the Proposal

Local Development Plan (LDP) Policy Hou 1 supports the delivery of housing on suitable Urban Area sites provided this would be compatible with other LDP Policies. LDP Policy Emp 9 supports the redevelopment of Urban Area employment sites for non-employment uses if it would not prejudice the activities of nearby employment premises and would contribute to the regeneration and improvement of the wider area. The inclusion of floorspace for business uses is also required for larger than 1ha sites; this does not apply here.

Although the wider area is not in any specific need of regeneration, the proposal will have a positive effect on the character and appearance of the streetscape through the removal of a building with limited architectural or historic qualities. A residential use is compatible with the character of the area and City of Edinburgh Council (CEC) Environmental Protection have confirmed that the introduction of housing will not prejudice the activities of nearby employment sites. Whilst the change in use will remove a small scale employment site, any decrease in economic activity will be suitably offset by increased expenditure in the local area by future occupiers.

Summary

The proposal is acceptable in principle provided it is compatible with other LDP Policies. Redevelopment will not prejudice nearby employment sites and it will contribute to the improvement of the wider area.

b) Design and Relationship to the Streetscape

LDP Policy Des 1 requires the creation or contribution towards a sense of place. The effective future development of adjacent land is safeguarded by LDP Policy Des 2 and LDP Policy Des 3 seeks the incorporation and enhancement of existing characteristics and features worthy of retention on the site and its surroundings. LDP Policy Des 4 ensures that developments have a positive impact on its surroundings and LDP Policy Des 6 requires the minimisation of environmental impact. LDP Policy Des 7 and LDP Policy Des 8 seek integrated developments and high quality landscaping. LDP Policy Hou 4 secures appropriate developmental densities.

Appearance, Scale, Form and Massing and Impact on Surroundings

The application site historically formed part of the grounds of Falcon Hall. The extensive gardens were first reduced by the late 19th Century formation of Falcon Avenue then by the early to mid-20th Century developments of the RMDO and tenements to Falcon Road West. The application site was occupied by a telephone exchange by 1948 but land to its south and east remained vacant. The corrugated metal frontage was added in the late 1970s and Falcon Court and Kwik-fit arrived in the 1960s and 1990s respectively. Steel's Place does not appear to have ever continued past its current termination point.

This historic development of Falcon Road West has created a disjointed streetscape, punctuated by buildings of varying architectural character, scale and massing. This has resulted in the street having an unusually open atmosphere when compared to nearby areas which have been subject to more cohesive, wholescale developments completed over a shorter time period. A significant contributor to this is the low-density, mid-20th Century Falcon Court development. Whilst the open atmosphere is relatively unique, it has been produced by a fragmented developmental history and not by design, and retention of a building with limited architectural or historic qualities would be of detriment to the clear streetscape enhancement benefits which could be achieved by redevelopment.

The proposal effectively seeks to continue the building line of 179 to 185 Morningside Road. Amendments to the proposal have reduced its massing so that the upper levels are broadly similar in depth (principal elevation to terrace edge) to nearby tenements. Glazing to upper level terraces, windows to the east elevation and a set back restrained finish to the top floor has helped to reduce the overall massing of the proposal and any increase when compared to nearby tenements is acceptable, noting the technical requirements for new build developments. A deeper ground floor will be significantly screened from the wider public realm by the RMDO and Leylandii hedging, with this level also acting to conceal parking and other essential services.

The possible redevelopment of the RMDO has been satisfactorily safeguarded by a blank western elevation. Should this occur, a connecting or infill development will further reduce the proposals overall massing which is currently overemphasised by the open atmosphere of Falcon Road West and the application site's detached location.

The proposal will not exceed the height of tenements within 15 to 21 Falcon Road West or those to Morningside Road. Materials and finishes are suitable for a fundamentally contemporary design in a location with varying architectural styles. The use of stone promotes harmonisation with the Morningside Road tenements, particularly if a connecting or infill development is introduced on the RMDO site. The density of development is comparable to nearby tenements and the level of private amenity space is acceptable for a small scale proposal on a constrained urban site. Landscaping works forward of the principal elevation promote streetscape consistency by mirroring the front gardens of 3 to 5 and 15 to 21 Falcon Road West as well as their set back from street building line. The proposal, through the inclusion of these areas of landscaping and in the general appearance of the ground floor, ensures an appropriately active frontage.

Sustainable Development

Sustainability Form S1 has been provided which certifies that the development will comply with Section 6 (Energy) of the Domestic Technical Handbook. Ensuring compliance forms part of a Building Warrant and is the responsibility of CEC Building Standards.

The proposal constitutes the suitable intensification of a comparatively low-density urban site and the adoption of Low and Zero Carbon Technologies promotes the reduction of carbon emissions. The titled solar PV array will largely be screened from the wider public realm by the height of the proposal and this feature will not have a detrimental impact on the character and appearance of the streetscape. There are clear solar gain benefits from the large proportion of south facing glazing and full internal recycling facilities shall be provided. Sustainable Travel assessment forms part of Paragraph 3.3d).

Summary

The proposal is of an appropriate design, scale, form, massing and density and it will have a positive impact on the character and appearance of the streetscape. The development constitutes the suitable residential intensification of a low density site in proximity to a Town Centre and landscaping and public realm works are appropriate for this constrained urban location. In order to confirm that the development will effectively integrate with the character and appearance of its surroundings, it is recommended that a detailed specification of materials and finishes and a landscape plan are provided prior to the commencement of development by conditions.

c) Amenity

LDP Policy Des 5 seeks to safeguard the amenity of neighbouring developments and ensure that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. LDP Policy Hou 2 seeks a mix of house types and sizes to meet a range of housing needs and LDP Policy Hou 3 requires the provision of an adequate level of green space to meet the needs of future residents.

Neighbour Amenity

A Daylight and Sunlight Assessment (DSA) was submitted in support of the proposal. Impact on levels of sunlight and daylight for neighbouring properties was assessed against the 25-degree Vertical Sky Component (VPC) test. The proposal will not intersect the 25-degree VSC line from the nearest and lowest windows within 5 Falcon Road West, 25m to the northwest, 15 Falcon Road West, 22m to the northeast, 31-45 Falcon Court, 20m to the southeast, and 9 Steel's Place 20m to the southwest. The proposal will maintain acceptable levels of natural light for all neighbouring properties.

Impact of shadowing on neighbouring amenity spaces was assessed against the Building Research Establishment Guidelines. There will be no change in the pre and post-development levels of shadowing for the front curtilages of 15 Falcon Road West, the greenspace of 31-45 Falcon Court or the rear curtilages of 179-193 Morningside Road. The northern positioned curtilages of Steel's Place shall not be affected and experience significant levels of shading currently by the to the rear location.

There are no material concerns regarding the privacy and immediate outlook of neighbouring properties given the separation distances involved and differences in aspect. A residential use does not give rise to any specific noise concerns and the air source heat pumps will not adversely affect neighbour amenity provided they comply with identified frequency limits. It is noted that the DSA was undertaken in respect of the original proposal. This has not had any impact on its conclusions given that the amended scheme is of the same height and smaller in footprint.

Future Occupier Amenity

A Noise Impact Assessment was submitted in support of the proposal. The potential for noise to the detriment of future occupier amenity from the RMDO, Kwik-fit and air source heat pumps was considered. All bedrooms are positioned towards Falcon Road West except for the three two-bed units on the first to third floors and the eastern positioned flat on the fourth floor. The first to third floor bedrooms are set-back to the east of the projecting element on the rear elevation and the top floor has a limited view of the RMDO because of this feature. Noise from the RMDO and Kwik-fit were found to be within acceptable limits and the frequency limited air source heat pumps shall not adversely affect future occupier amenity. CEC Environmental Protection raised no objection subject to compliance with identified frequency limits for the air source heat pumps. An informative has been attached as this can be suitably controlled and enforced under Environmental Health legislation.

Each unit complies with the minimum internal floor space requirements and the range of house types and sizes proposed are comparable to nearby tenements. Adequate levels of storage will be provided, and each would be appropriate for a suitable range of future occupiers. All benefit from step free access to Falcon Road West, the car parking area, rear positioned terrace and shared external amenity space by a lift except for the split level flat in full. Eight of the 11 flats will be dual aspect but the three 2-beds which are not are south facing. The open nature of land to the south and east ensures that each unit shall achieve reasonable levels of natural light and immediate outlook.

The level of private amenity space to the rear exceeds 20% of the application site area, and this excludes the landscaping forward of the principal elevation. It will achieve reasonable levels of natural light and privacy given its south facing aspect and lack of significant development to the immediate boundaries. The presence of overgrown Leylandii hedging outwith the application site will partly impede levels of natural light to the private garden ground. The Planning Authority has encouraged engagement with neighbours to reduce its overall height, whilst noting the privacy benefits of this hedging. However, the natural light impediment effect is minimal, and it is accepted that it shall not be materially detrimental if no action is taken.

Refuse and recycling facilities are stored internally on the ground floor and access will be provided for public waste collection services. Ground floor occupation by the split level flat and the location of accesses to Falcon Road West promotes community security and redevelopment will improve natural surveillance.

Summary

The proposal will not have an adverse effect of the amenity of neighbouring developments and future occupiers shall benefit from acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. The range of house types and sizes proposed, having regard to the character of the surrounding area, is appropriate and an adequate level of private green space will be provided for future occupiers.

d) Transport and Road and Pedestrian Safety

LDP Policy Tra 2 and LDP Policy Tra 3 grant planning permission when the car and cycle parking provision comply with and does not exceed the levels set out in the EDG. LDP Tra 4 seeks appropriately sited parking of a high-quality design.

Car and Cycle Parking

11 car parking spaces and 33 cycle parking spaces are proposed. Two of the car parking spaces will have electric vehicle charging points and another is accessible. Access is shared and via a secure, inward opening set of doors to Falcon Road West. Automatic entry is proposed preventing the need to leave vehicles and reducing the potential for queuing on Falcon Road West as well as ingress and egress conflict. Whilst its formation will require the loss of one on-street parking space, this should be compensated by the infilling of the existing access. CEC as Roads Authority raised no objection subject to informatics and the level and design of parking complies with EDG.

CEC Environmental Protection registered their opposition but not objection to the level of car parking as Morningside Road is a Local Air Quality Management Area. They consider that the potential for increase in car based travel would exacerbate known air quality issues in the locality and a reduction in car parking is justified because of the application site's public transport accessibility level (PTAL) of 4, on the EDG scale of 1 (low) to 6 (high). A Town Centre is also within walking distance.

A number of representations have made reference to increased demand for on-street car parking. The Transport Statement (TS) submitted in support has erroneously noted that future residents will not be eligible for on-street parking permits because the new build proposal is in the controlled parking zone (CPZ). As the application site is in the extended CPZ, future residents will be eligible to apply for a permit which could potentially result in each unit having one off-street space and being eligible for another on-street.

The Planning Authority recognises that the application site could be suitable for a low car parking development and suggested a reduction to the applicants; this has been resisted. Whilst not formally assessed within the TS, the existing lawful use would be expected to generate some vehicular trips and demand for on-street spaces given the current building's lack of visitor parking. A no or low car parking development as a means to discourage car based travel could well have no material impact on on-street parking demand as future occupiers could instead apply for permits putting pressure on the availability of spaces. Ultimately, the allocation of parking permits is outwith the control of the Planning Authority and the one per unit off-street provision shall reduce the potential need for additional parking permits. On balance, as the level of car parking complies with the EDG and forms part of an otherwise acceptable redevelopment, the level of parking provision does not warrant a recommendation of refusal for this small scale proposal.

The lack of objection from CEC Environmental Protection on air quality grounds was subject to an electric vehicle charging point condition and due to the use of air source heat pumps and solar PV panels as a means to reduce air quality impact. Given the known air quality issues nearby, and clear sustainability benefits through potential connectivity to the Solar PV array over fossil fuel sources, a condition is recommended which requires all 11 car parking spaces have electric vehicle charging points.

Road and Pedestrian Safety

The repositioning of the access has introduced the potential for conflict with the RMDO operations by reducing visibility. The application site is separated from the RMDO by an approximately 2m in height boundary wall which reduces to approximately 1.3m to 1.5m in height for two gate piers either side of the RMDO entrance. Although the proposal will increase the height of development in proximity to the RMDO access, it is evident that the wall and gate piers located outwith the application site currently have some impediment effect on visibility. The Transport Statement estimates that three and four two-way vehicular trips will be generated in the peak AM and PM periods respectively. Given the existing boundary features and the relatively low vehicular traffic generated, the proposed location of the access is considered acceptable for this urban location and shall not have a materially detrimental effect on visibility. It is noted that the TS was undertaken in respect of the original proposal. This has not had any impact on its conclusions as visibility did not form part of its assessment.

Falcon Road West is a 20mph public road and links to Falcon Gardens, Avenue and Road which are subject to the School Streets initiative where vehicular access is restricted during peak hours. The level of vehicular trips is estimated to be low and the proposal shall not result in a material intensification of any existing road and pedestrian safety concerns for Falcon Road West and adjacent streets.

Summary

The level and design of car and cycle parking spaces accords with EDG. The access shall not impede on the operations of the RMDO by reducing visibility and there are no specific road and pedestrian safety concerns for this small scale proposal.

e) Impact on the Listed Building and Conservation Areas

LDP Policy Env 3 safeguards the setting of listed buildings by not permitting development which would be detrimental to its character, appearance or historic interest. LDP Policy Env 6 requires development to preserve or enhance the setting of conservation areas.

The application site is 70m to the east of the Category B Listed Morningside Public Library. Whilst the scale and massing of development on the application site will increase, sympathetic materials are to be used and the proposal will not significantly protrude past the building line of the existing building, the RMDO or 179 to 185 Morningside Road. Neither shall it exceed the height of tenements within 15 to 21 Falcon Road West or those to Morningside Road and views towards the library from Falcon Road West and its dominant position at the junction will be satisfactorily maintained. The proposal will have no material impact on the setting of the Grange and Morningside Conservation Areas given the separation distances and density and scale of existing intervening development.

Summary

The proposal safeguards the setting of the listed building and will not be detrimental to its character, appearance or historic interest. The proposal preserves the setting of conservation areas.

f) Natural Environment and Resources

LDP Policy Env 21 seeks to ensure no increased flood risk for the application site or its surroundings. LDP Policy Env 22 supports development that does not generate significant adverse effects for health and the environment. LDP Policy RS6 ensures that there is sufficient water and wastewater capacity for the development.

Flood Risk and Surface Water

A Drainage Strategy Report (DSR) and Flood Risk Assessment were submitted in support of the proposal. The application site is not located within or adjacent to an area at risk of flooding from any source. The sustainable drainage systems are proposed to operate without flooding up to a 200-year storm event, plus a 40% climate change allowance. Pre and post-development overland flow routes are broadly similar and will be designed to drain water away from the proposal and bounding properties. CEC Flood Prevention raised no objection but advised that the results of soakaway testing or Scottish Water's agreement to discharge surface water to the combined sewer are typically expected at planning stage.

CEC Flood Prevention suggest that a condition would be suitable in respect of surface water management. The applicant has submitted a Pre-development Enquiry to Scottish Water but has not yet received discharge to sewer acceptance. Soakaway testing requires excavations and a vacant site. The DSR considers that surface water from the application site discharges to the combined sewer at present as there is no evidence of alternative provision. It proposes that this will be continued post development but with attenuation and flow control to current requirements. This is acceptable in terms of planning for this small scale proposal in the Urban Area as confirmation of surface water management forms part of a Building Warrant and other separate to planning consenting mechanisms.

Pollution and Air, Water and Soil Quality

The application site does not currently meet the legal definition of contaminated land and historic uses do not give rise to any specific concerns. CEC Environmental Protection raise no objection subject to a site investigation condition. Their opposition but not objection on air quality grounds to the level of car parking was registered and this has been addressed in paragraph 3.3d).

Water and Waste Water Provision

Scottish Water confirm that there is adequate capacity to serve the development and no current network issues which may impact provision.

Summary

The proposal will not increase flood risk for the application site or its surroundings. There is adequate water and waste water capacity to serve the development and no significant land contamination issues.

g) Equalities and Human Rights

The proposal will be required to meet Section 4 (Safety) of the Domestic Technical Handbook, which includes the adoption of inclusive design measures. Ensuring compliance forms part of a Building Warrant and is the responsibility of CEC Building Standards.

There are no potential occupation barriers in respect of race, faith, ethnicity, gender or sexual orientation. All 11 units will benefit from step free access to Falcon Road West, the car parking area, rear positioned terrace and shared external amenity space by a lift except for the split level flat in full. This is considered acceptable for this small scale proposal in respect of the needs of persons with mobility difficulties given that ten step-free flats will be provided for an area which is largely comprised of more historic tenements with poor or ground floor only step-free access.

h) Other Material Planning Considerations

Whilst CEC Communities and Families advises that the proposal is not expected to generate any additional pupils, and that no contributions are required for this less than 12 unit development, the levels of internal amenity space and number of bedrooms proposed are likely to be of some interest to growing families.

The application site falls within the catchment of a new Canaan Lane primary school. Secondary pupils are within the catchment of Boroughmuir or St Thomas of Aquin's High Schools, and the former is subject to ongoing additional capacity measures. The potential demand for pupil places can be suitably accommodated by the existing and planned increases to school capacity and there are no capacity concerns for this small scale 'windfall' site.

i) Community Councils and Letters of Representation

Material Comments - Objections

- Impact on employment sites - this is addressed in paragraph 3.3a) and 3.3c).
- Loss of jobs and economic output - this is addressed in paragraph 3.3a).
- Affordable housing - this is addressed in paragraph 3.3a).
- Design and materials not in keeping - this is addressed in paragraph 3.3b).
- Impact on neighbour amenity from loss of daylight, sunlight, overlooking, privacy and noise - this is addressed in paragraph 3.3c).
- Increased on-street refuse demand - this is addressed in paragraph 3.3c).
- Impact on Leylandii Hedging - this is addressed in paragraph 3.3c).
- Increased on-street car parking demand - this is addressed in paragraph 3.3d).
- Level of car parking - this is addressed in paragraph 3.3d).
- Road and pedestrian safety - this is addressed in paragraph 3.3d).
- Drainage and public utility capacity - this is addressed in paragraph 3.3f).

Material Comments - Neutral

- Impact on neighbour amenity from loss of daylight, sunlight, overlooking, privacy and noise - this is addressed in paragraph 3.3c).

Non-material Comments

- Construction access and noise is outwith the control of the Planning Authority.
- Restricting parking permits is outwith the control of the Planning Authority.
- Loss or impediment of private views are not protected by the planning system.
- A site notice was not required for this application.

- Estate agent signs are outwith the control of the Planning Authority.
- Factoring arrangements are outwith the control of the Planning Authority.
- Management of asbestos is outwith the control of the Planning Authority.
- Resurfacing of Falcon Road West is a matter for CEC as Road Authority.
- 'Luxuryness' of flats, there is no such definition in planning legislation.
- Establishment of precedence, all applications are considered on their own merits against the Policies of the Local Development Plan.
- Tenure, including possibility of use for short-term holiday letting purposes, tenure is outwith the control of the Planning Authority and 11 residential flats are proposed. Use of any for short term holiday letting purposes may constitute a change in use and require an application for planning permission.
- COVID-19 regulations, paper comments and in person viewing of documentation were suspended due to the COVID-19 pandemic and the application was determined in accordance with all statutory legalisation in force.

Conclusion

The proposal complies with the Local Development Plan and there are no material considerations which should outweigh this conclusion. Redevelopment will not prejudice nearby employment sites and it will contribute to the improvement of the wider area. The proposal is of an appropriate design, scale, form, massing and density and the removal of a building with limited architectural or historic qualities will have a positive effect on the character and appearance of the streetscape. Impact on the environment has been suitably mitigated. Landscaping and level of private garden ground are acceptable.

The proposal will not have an adverse effect on the amenity of neighbouring developments and future occupiers shall benefit from satisfactory levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook. The range of house types and sizes is suitable having regard to the character of the surrounding area and the level and design of car and cycle parking are acceptable.

The proposal safeguards the setting of the listed building and conservation areas and it will not be detrimental to their character, appearance or historic interest.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions :-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, will be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Once approved, the landscaping shall be fully implemented within six months of the completion of the development.
3. All eleven car parking spaces shall have 7Kw electric vehicle charging outlets (wall or ground mounted) installed and operational prior to occupation.
4. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

Reasons: -

1. In order to enable the planning authority to consider these matters in detail.
2. In order to ensure that a high standard of landscaping is achieved and timeously provided.
3. In order to promote sustainable travel.
4. In order to ensure the most efficient and effective rehabilitation of the site.

Informatics

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The proposed cycle parking to be in a secure and under cover location.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013(Category D - New Build).
7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
8. The air source heat pumps should meet the following noise output levels at the associated frequency criteria shown below:

Frequency (Max Noise Output from air source heat pump): 63Hz (87) / 125Hz (76) / 250Hz (68) / 500Hz (62) / 1kHz (58) / 2kHz (55) / 4kHz (52)

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are addressed in paragraph 3.3g).

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbour notification was carried out on the 23 April 2020. The application appeared on the weekly list of the 27 April 2020. The statutory neighbour notification period expired on the 14 May 2020.

51 comments were received; 50 objecting and one maintaining a neutral position. A summary of considerations raised is provided in 3.3i).

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision	The application site is located within the Urban Area as identified by the Local Development Plan.
Date registered	18 March 2020
Drawing numbers/Scheme	01, 02, 03B, 04, 05C, 06C, 07C, 08, 09, Scheme 4

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer
 E-mail: graham.fraser@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Appendix 1

Application for Planning Permission 20/01354/FUL At Land 31 Metres East Of 4, Falcon Road West, Edinburgh Demolition of commercial premises and erection of 5 storey residential development, covered parking and stores, rear garden, private terraces and externally mounted renewable technologies (Air Source Heat Pumps and PV Panels) (as amended)

Consultations

City of Edinburgh Council as Roads Authority (7 April 2020) - No objection subject to conditions or informatives.

1. *The proposed cycle parking to be in a secure and under cover location;*
2. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
3. *The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013 (Category D - New Build); and*
4. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.*

Note: The proposed 11 car parking spaces, including one disabled space and two electric vehicle spaces, and 33 cycle parking spaces are considered acceptable.

City of Edinburgh Council Commercial Development and Investment (26 May 2020)
- No objection

The application relates to a 524 sqm (net) retail warehouse located at 4A Falcon Road West, Edinburgh, most recently occupied by the school-wear supplier 'Aitken & Niven'.

The economic impact of the existing building can be estimated. Based on the average employment density for a retail warehouse (reflecting the most recent use of the building) - one FTE employee per 90 sqm - the building could be expected to support 6 FTE jobs if fully-occupied (524 / 90). Based on the average GVA per employee for the retail sector in Edinburgh (£34,185 in 2018 prices), the building could be expected to support £0.21 million of GVA per annum if fully occupied by a retailer (£34,185 x 6). The economic impacts associated with the existing building are therefore negligible. The area in question is largely residential, but with some light industrial uses. The application site is immediately adjacent to Morningside / Bruntsfield Town Centre.

Commentary on proposed uses

The application proposes the comprehensive redevelopment of the existing site, delivering a single five-storey block of 11 flats. The development as proposed would deliver approximately 11 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 11 flats could be expected to collectively spend approximately £0.28 million per annum. Of this £0.28 million, it is estimated that approximately £0.14 million could reasonably be expected to primarily be made within Edinburgh. This £0.14 million could be expected to directly support approximately 1 FTE job and £0.05 million of GVA per annum (2017 prices).

It is estimated that the proposed development would support approximately 1 FTE job and £0.14 million of GVA per annum via the impact of residents' expenditure. This represents a small decrease on the economic impacts of the existing building.

City of Edinburgh Council Flood Prevention (14 September 2020) - No objection subject to a condition

We have no major concerns over the overland flow paths.

These are accepted. Regarding the condition, we typically request the results from soakaway testing or Scottish Water's confirmation they agree with discharging surface water to the combined sewer at planning stages. This prevents an approved planning application having to rely on something that is later not deemed feasible. However, I understand this is not always possible and we have on occasion accepted conditions. In this instance, we would accept attaching a condition to the approval.

City of Edinburgh Council Place Development (26 May 2020) - No objection as the proposal does not meet the 12 units or more threshold for affordable housing provision

City of Edinburgh Council Communities and Families (30 June 2020) - No objection

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil. Using the pupil generation rates set out in the Supplementary Guidance, a development of 11 flats is not expected to generate at least one additional pupil.

A contribution towards education infrastructure is therefore not required

Scottish Water (8 October 2020) - No objection

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

There is currently sufficient capacity in the Glencorse Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

City of Edinburgh Council Environmental Protection (3 November 2020) - No objection subject to conditions

A Noise impact assessment has been provided in support of the application which considered noise from the adjacent postal office depot, Kwik Fit garage opposite and air source heat pump noise sources.

The initial site visit and noise measurements highlighted concerns with the potential for night-time delivery noise from the post office depot, affecting the south (rear) elevation bedrooms of the development. The scheme layout has been amended to remove all bedrooms from the south façade to the north facade (except one bedroom to the east end of the south façade on the top floor, in a four bedroom apartment, which has a limited angle of view to the depot and a significant setback distance. Once these amendments had been made to the design, the noise levels from the post office depot were found to be within acceptable levels. In addition, noise levels from the Kwik Fit garage (which are daytime only) were found to be within acceptable daytime limits and an air source heat pump noise specification recommendation has been provided to ensure noise does not affect nearby residential properties.

The application site is exceptionally well placed in order to utilise sustainable modes of transport including local bus, cycling and walking. Environmental Protection has recommended that the site include reduced car parking due to congestion levels on Morningside Road. However, this has been resisted by the applicant. They have also provided two electric vehicle charging points (the bare minimum under the parking standards). The development does however provide air source heat pumps for each property which does go some way to reducing the need for the use of gas which itself increases background NO₂ levels. Whilst Environmental Protection would prefer to see reduced car parking, it is accepted that the development is small scale, includes some electric charging spaces and renewable heating methods and won't object on this issue.

Therefore, Environmental Protection has no objection to the above application subject to the following conditions:

1. Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. The air source heat pumps should meet the following noise output levels at the associated frequency criteria shown in the table below

Frequency (Max Noise Output from air source heat pump)

63Hz (87) / 125Hz (76) / 250Hz (68) / 500Hz (62) / 1kHz (58) / 2kHz (55) / 4kHz (52)

3. A minimum of two 7Kw electric vehicle charging outlets (wall or ground mounted) shall be installed and operational prior to occupation as shown on drawing reference 2549-OBE-XX-00-DR-A-(0)-0003-B and dated 16 March 2020.

Location Plan

